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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/519,939

01/25/2005

Paulus Pieter De Wit

122235

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27624

7590

04/10/2008

AKZO NOBEL INC.

INTELLECTUAL PROPERTY DEPARTMENT

120 WHITE PLAINS ROAD 3RD FLOOR

TARRTOWN, NY 10591

EXAMINER

WHITE, EVERETT NMN

ART UNIT

PAPER NUMBER

1623

MAIL DATE

DELIVERY MODE

04/10/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/519,939	DE WIT, PAULUS PIETER	
	<b>Examiner</b>	<b>Art Unit</b>	
	EVERETT WHITE	1623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12/17/2007 & 01/07/2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/13/2007</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. The amendments filed December 17, 2007 and January 7, 2008 have been received, entered and carefully considered. The amendment affects the instant application accordingly:

- (A) New Claims 13 and 14 have been added;
  - (B) Claims 1 and 7 have been amended;
  - (C) Comments regarding Office Action have been provided drawn to:
    - (I) 102(b) rejection, rendered moot by new ground of rejection over newly cited US Patent. in regard to the Hilbig et al patent; The rejection of claims over the Matsunaga et al patent is maintained for the reason of record.
2. Claims 1-14 are pending in the case.
3. The text of those sections of Title 35, U. S. Code not included in this action can be found in a prior Office action.

### ***Foreign Priority Claimed***

4. This application is a 371 of PCT/EP03/07327 International Filing Date: July 7, 2003, which claims foreign priority to EPO 02077756 under 35 U.S.C. 119(a)-(d). An English version has been filed on December 29, 2004.

### ***Election By Original Presentation***

5. Newly submitted Claim 13 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The invention of Claim 13 and the invention of original Claim 7 are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product. See MPEP § 806.05(h). In the instant case the product as claimed can be used in a materially different process such as a bleaching agent.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, Claim 13 is withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

***Claim Rejections - 35 USC § 102***

***New Ground of Rejection***

6. Claims 1-6 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Jones (US Patent No. 3,024,191, newly cited).

Applicant claims a single step process for preparing a solution of polysaccharide or polysaccharide ether having a viscosity of 1,000 mPa.s or less, said process comprising adding to an aqueous medium a polysaccharide or polysaccharide ether and an alkaline depolymerization agent, characterized in that the polysaccharide or polysaccharide ether and the alkaline depolymerization agent are added to the aqueous medium in a single step.

The Jones patent shows that preparation of carboxymethyl cellulose solutions that contain a perborate such as sodium perborate is well known in the art. See column 3, 1st paragraph wherein the Jones patent describes forming a carboxymethyl cellulose (CMC) dispersion in water containing a large amount of salt by mixing the CMC first in substantially salt-free water to form a solution containing a high concentration of CMC, and then diluting this primary solution with water containing a high salt content. See column 4, lines 20-27 of the Jones patent wherein the viscosity value of the carboxymethyl cellulose solution is about 30 centipoises. This description of the Jones patent anticipates the subject matter of instant Claims 1-3, 5, 6 and 14. The Jones patent further teaches that if the water is not substantially neutral, it may be advisable to add a base, such as sodium hydroxide, to adjust the acidity to an approximately neutral condition (see column 2, lines 59-64), which anticipates the subject matter of instant Claim 4.

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7. Claims 7-12 stand rejected under 35 U.S.C. 102(b) as being anticipated by Matsunaga et al (US Patent No. 4,071,462) for the reasons disclosed on page 3 of the Office Action filed June 18, 2007.

8. Applicant's arguments filed December 17, 2007 have been fully considered but they are not persuasive. Applicants argue against the rejection on the ground that the amount of sodium percarbonate is extremely high compared to the amount of sodium percarbonate intended for use in the instant Claims. This argument is not persuasive since the instant claims do not recite a specific amount of alkaline depolymerization agent (i.e., sodium percarbonate) that may be present in the instantly claimed solid composition. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Accordingly, the rejection of Claims 7-12 under 35 U.S.C. 102(b) as being anticipated by the Matsunaga et al patent is maintained for the reasons of record

### ***Summary***

9. Claims 1-12 and 14 are rejected; Claim 13 is withdrawn from consideration.

### ***Examiner's Telephone Number, Fax Number, and Other Information***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Everett White whose telephone number is 571-272-0660. The examiner can normally be reached on 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shaojia A. Jiang can be reached on 571-272-0627. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Everett White/

Examiner

Art Unit 1623

/Shaojia Anna Jiang, Ph.D./

Supervisory Patent Examiner, Art Unit 1623